



Federal Communications Commission
Washington, D.C. 20554

November 9, 2010

DA 10-2161

Mark S. Wintersole
6481 Eastwood Glenn Drive
Montgomery, AL 36117

Re: Petition for Reconsideration of Dismissal of Application FCC File No. 0004402268

Dear Mr. Wintersole:

This letter responds to your October 16, 2010 petition for reconsideration of the dismissal of the above-referenced vanity call sign application. You argue that because call sign W5ER was canceled on September 27, 2008, it should have been available when you filed your application on September 27, 2010. For the reasons set forth below, we deny the petition.

With certain exceptions not relevant in this case, a call sign shown on a canceled license is not available to the vanity call sign system for two years following the cancellation of the prior license.¹ The canceled call sign does not become available for reassignment until after the two-year waiting period ends.² Because the prior license that was assigned call sign W5ER was canceled on September 27, 2008, the call sign became available to the vanity call sign system on September 28, 2010. Consequently, we conclude that your application was properly dismissed because it was filed before call sign W5ER became available to the vanity call sign system.

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for reconsideration filed by Mark S. Wintersole on October 16, 2010 IS DENIED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

¹ 47 C.F.R. § 97.19(c)(2). This two-year period corresponds to the grace period during which the licensee of an amateur service licensee may apply for renewal of the station and operator license after that license expires. See 47 C.F.R. § 97.21(b).

² See Kenneth C. Lamson, *Letter*, 22 FCC Rcd 3187, 3187 (WTB MD 2007) (citing Amendment of the Amateur Service Rules to Implement a Vanity Call Sign System, *Memorandum Opinion and Order*, PR Docket No. 93-305, 10 FCC Rcd 11135, 11137 ¶ 12 (1995)).